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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5916 OF 2006

Sunpetro Chemicals Pvt. Ltd. ... Petitioner
V/s.
Konkan Shramik Sangh ... Respondent

Mr.Kiran Bapat for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 30, 2007**

P.C.:

. The Petitioner has challenged the order dated 8.6.2006 by which it has been directed to produce certain documents. This order was passed on an application filed by the respondent-Union on 18.1.2006. By the application, the Union had sought production of copies of (i) the audited balance sheets for the financial years 2001-2002 to 2004-2005; (ii) documents pertaining to wages, allowances and remunerations being paid to the Officers and Managers of the company; (iii) documents showing payment of yearly increments to the Supervisors, Officers and Managers from 2001 till the year 2005.

2. Although the Respondent has been issued notice with a direction that the matter may be disposed of at the stage of admission, nobody appears for the Respondent. Mr.Bapat, appearing for the Petitioner, states that he has informed the Advocate appearing for the Respondent before the Tribunal of the present

matter.

3. The main contention raised by the learned Advocate for the Petitioner is that the Union is not entitled to the documents pertaining to the salaries, allowances, increments paid to the Managers and Officers of the Company. He contends that the wage reference which is pending before the Tribunal deals with the demands pertaining to the workmen and, therefore, the Union had no right to seek production of the aforesaid documents. He also submits that the application which has been filed by the Union is vague and no justification for seeking production of the aforesaid documents has been made out in the application. The learned Advocate submits that in any event the Petitioner has no objection to produce the balance sheets for the aforesaid years and will produce the same within two weeks from today.

4. Reliance is placed on the judgment in the case of *20th Century Fox Corporation (India) Pvt. Ltd. v/s. F.H. Lala,* **1973 BLR 83.** The Division Bench of this Court in that case has observed that when an application for production of documents is filed although it is not necessary to support the same with an affidavit it would be desirable in most cases. The Division Bench has

observed thus:

> ... What is more important is that any application for production of documents must contain all the necessary material in order to enable the Tribunal to apply its mind, determine the relevancy of the documents and ascertain whether inspection should be allowed or not and then pass a proper order.

In the present case, a bare perusal of the application indicates that it is vague and the respondent union has not made out a case for production of documents pertaining to the salary, increments and allowances of the Officers and Managers.

5. In this view of the matter, the impugned order is set aside. The respondent union is at liberty to make a fresh application seeking the documents which are mentioned in the Items 2 and 3 of the application dated 18.1.2006. The fresh application should contain the necessary material which would enable the Tribunal to apply its mind to determine the relevance of these documents. In any event, since there is no objection to the production of the audited balance sheets, the same shall be produced within two weeks from today. If the aforesaid application is made by the Union, the Petitioner may file reply to the same within two weeks. The Tribunal will hear and dispose of the application within four weeks from the date it is made.

6. Petition is disposed of accordingly.